

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: AQUILA, INC., d/b/a AQUILA NETWORKS	DOCKET NO. SPU-03-7
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ORDER ADMITTING LATE-FILED EXHIBIT INTO RECORD

(Issued October 1, 2003)

On September 24, 2003, Aquila, Inc., d/b/a Aquila Networks (Aquila), filed with the Utilities Board (Board) a motion to accept a post-hearing exhibit, Exhibit 129, into the evidentiary record in this proceeding. The exhibit consists of a press release announcing the signing of an agreement to sell Aquila's Canadian assets for approximately \$990 million, U.S. currency. Aquila requests the acceptance of the exhibit to complete the record. Aquila witnesses had testified at the hearing that the sale was expected to occur sometime this fall but it had not been finalized and the sale price had not been established.

Aquila states that the Consumer Advocate Division of the Department of Justice has reviewed the motion and has no objection to the granting of the motion.

Subrule 199 IAC 7.7(15) provides that the Board may reopen the record for the reception of additional evidence and the motion to reopen shall comply with subrule 199 IAC 2.2(12). Subrule 2.2(12) states that the pleading shall contain a clear and concise statement of the facts claimed to constitute grounds requiring

reopening the record, "including the material changes of fact or law alleged to have occurred since the conclusion of the hearing."

The Board will reopen the record and admit Exhibit 129. The admission of the information concerning the sale of the Canadian assets is a material change to the evidence and completes the evidence concerning that part of the record.

IT IS THEREFORE ORDERED:

Late-filed Exhibit 129 is admitted into the record.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 1st day of October, 2003.